

REMARKS

In the above-noted Final Official Action, claims 1, 3-5, 7-11 and 13 were rejected under 35 U.S.C. §102(e) over MATSUMOTO et al. (U.S. Patent No. 6,320,829). Claims 2, 6, 12 and 14 were rejected under 35 U.S.C. §103(a) over MATSUMOTO. In view of the herein-contained remarks, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections, as well as an indication of the allowability of each of the claims now pending, in due course.

Applicant traverses the rejections of claims 1, 3-5, 7-11 and 13 under 35 U.S.C. §102(e) and of claims 2, 6, 12 and 14 under 35 U.S.C. § 103(a) over MATSUMOTO. In this regard, Applicant respectfully asserts that the above-noted claims recite combinations that include numerous features not disclosed or suggested by MATSUMOTO.

With respect to claim 1, the outstanding Final Official Action asserts that MATSUMOTO discloses “when said first copy control detector detects the first copy control information, the reproduction of the digital audio data is controlled based on the first copy control information (See col. 2, lines 1-21; col. 15, lines 16-26; col. 11, Table), and when said first copy control detector detects no first copy control information, the reproduction of the digital audio data is controlled based on the second copy control information (See co. 2, lines 1-21; col. 15, lines 16-26, lines 36-48; col. 11, Table, “Analog input”)”. Applicant respectfully submits that the above-noted assertion is wholly in error. In this regard,

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Applicant will address each of the above-noted portions of MATSUMOTO in the order in which they are noted in the outstanding Final Official Action.

Column 2, lines 1-21 of MATSUMOTO is a portion of the “Background of the Invention”. The Background describes “[i]n the conventional copy control method using CCI as described above” and “[i]n the method using watermarks, on the other hand” (see column 2, lines 1-2 and line 9). In other words, MATSUMOTO describes separate and distinct methods in the Background; i.e., “using CCI” in one method and “using watermarks, on the other hand”. Accordingly, there should be no doubt that what MATSUMOTO discloses in the “Background” thereof does not teach a single system that relates to the invention recited in claim 1, e.g., controlling “the reproduction of the digital audio data... based on the second copy control information” when the “first copy control detector detects no first copy control information”.

Furthermore, Applicant notes that MATSUMOTO explicitly sets forth as the first “object of the invention” described therein “to prevent unauthorized digital copying... while allowing the use of different forms... of copy restriction” (see column 2, lines 25-27). Accordingly, Applicant respectfully asserts that, contrary to the assertion in the outstanding Final Official Action, column 2, lines 1-21 of MATSUMOTO does not relate to the above-noted features of claim 1 that recite the contingent use of “first copy control information” or “second copy control information”. Furthermore, insofar as the “object of the invention” in

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MATSUMOTO is explicitly contrary to the admitted “Background” in providing “different forms or levels of copy restriction” in a single method and system, the invention of MATSUMOTO contradicts the Background set forth therein. Accordingly, Applicant respectfully asserts that the only motivation present to combine the features disclosed in the specification of MATSUMOTO with the Background features noted in MATSUMOTO, is to impermissibly reconstruct the combination of features recited in claim 1 in hindsight. Therefore, the remainder of Applicant’s remarks will address the invention disclosed in the specification of MATSUMOTO.

The Table at column 11 of MATSUMOTO discloses that a CCI is “absent” for the final two entries. However, the final two entries are directed to accommodating the “conventionally existing analog signals” (see column 15, line 42), and not a “digital contents unit” as is recited in pending claim 1. In this regard, Applicant respectfully asserts that the accommodation for the “conventionally existing analog signals”, as shown by the final two entries of the Table at column 11, is unrelated, by definition, to a “digital contents unit under reproduction” or a “digital data recording medium”.

Additionally, Table 11 of MATSUMOTO discloses that a Watermark is “absent” for the 7th-9th and 16th-18th entries. However, a Watermark is not a “first copy control information of a digital format” as is recited in claim 1. Nor does the Final Official Action attempt to correlate the Watermark to the “first copy control information of a digital format”.

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Accordingly, the entries of the Table at column 11, where only a Watermark is detected, do not disclose the invention recited in claim 1.

Of course, Applicant further notes that the remaining entries of the Table do not correspond to the invention recited in claim 1 either, at least because the results vary depending on the values of both the CCI and the Watermark, as well as the presence or absence of a Media Mark. Accordingly, the “reproduction” of a “digital contents unit” in MATSUMOTO is never controlled based on the detection of, or failure to detect, a “first copy control information” which is “of a digital format” in the manner recited in claim 1.

In any case, for digital contents data, the reproduction decision in MATSUMOTO is clearly based on the presence, absence and value of the Watermark; the CCI; and the presence or absence of a Media Mark. The use of at least 3 criteria is shown in the Table of column 11, when, for digital contents, one compares the possible outcomes that correspond to any single value for a digital CCI or a Watermark. Accordingly, Table 11 of MATSUMOTO explicitly discloses that “the reproduction of the digital audio data” cannot be controlled based on the detection of the CCI. Therefore, MATSUMOTO explicitly uses the combination, including the “media mark”, the “watermark” and the “CCI” in the Table of column 11 to determine whether a source is legal, and whether the reproduction or recording is permitted.

Furthermore, the final entries of the Table at column 11 relate to an “Analog Input”,

which is apparently unrelated to the “digital contents unit under reproduction” which is the subject of claim 1. In this regard, column 15, lines 36-48 of MATSUMOTO also relate to “using conventionally existing analog signals”. Accordingly, the outstanding Official Action is mistakenly interpreting the accommodation for conventional “analog signals” as disclosing that “the reproduction of the digital contents data is controlled based on the second copy control information”, an interpretation which is fundamentally unsound.

In addition to the above-noted reasons for the patentability of claim 1, the outstanding Official Action asserts that MATSUMOTO discloses the “encryption decoder” at FIG. 3, #25. However, the Official Action also asserts that the same feature of MATSUMOTO discloses a “contents data decoder”. Applicant respectfully asserts that there is no basis for the assertion that FIG. 3, #25 of MATSUMOTO discloses or suggests both of the above-noted features of claim 1.

In this regard, the outstanding Final Official Action asserts that MATSUMOTO discloses “an encryption decoder configured to decrypt reproduction output data... (See col. 7, line 67 to col. 8, line 1-30; col. 8, line 65 to col. 9, line 14; Fig. 2-#12, 3-#25); a first copy control detector... (See... Fig. 3, block #28); a contents data decoder configured to extract the digital audio data from the decrypted reproduction data (See... Fig. 3, block #25); and a second copy control detector configured to detect the second copy control information from the extracted digital audio data (See... Fig. 3, block #27)”. However, FIG. 3 and the related

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disclosure of MATSUMOTO explicitly describe blocks 28 and 27 as a “CCI JUDGING UNIT” and a “WATERMARK JUDGING UNIT”, respectively, that input information to the “OUTPUT CONTROL UNIT” 26 to control the “decoder 25” (see column 9, line 18).

Furthermore, FIG. 3 clearly shows the CCI JUDGING UNIT 28 and the WATERMARK JUDGING UNIT 27 as processing information before the DECODER 25. Accordingly, MATSUMOTO clearly does not disclose or suggest a “second copy control detector configured to detect the second copy control information from the extracted digital data”. In particular, the digital data in MATSUMOTO is only decoded (extracted) in MATSUMOTO after the operation of elements 27 and 28. Accordingly, element 27 in MATSUMOTO does not detect information from extracted digital audio data, i.e., data that is already extracted by element 25, as would be required for the Examiner’s assertions to be consistent and correct.

Q. 9, lines 10-12

Accordingly, Applicant respectfully asserts that, if the above-noted assertion were taken as true, then FIG. 3 could not disclose a “first copy control detector configured to detect the first copy control information from the decrypted reproduction data”, as is recited in claim 1. In particular, the CCI JUDGING UNIT 28 passes demodulated information to the DECODER 25, such that the CCI JUDGING UNIT 28 does not detect anything that has been processed by the DECODER 25. Additionally, if the above-noted assertion were taken as true, then FIG. 3 could not disclose a “second copy control detector configured to detect

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the second copy control information from the extracted digital audio data”, as is recited in claim 1. In particular, the WATERMARK JUDGING UNIT 27 passes demodulated information to the DECODER 25, such that the WATERMARK JUDGING UNIT 27 does not detect anything that is processed by the DECODER 25. Accordingly, Applicant respectfully submits that there is no basis for the Examiner's assertion that Figure 3, or any reasonable interpretation of the disclosure of MATSUMOTO, teaches the combination of features recited in claim 1.

Applicant additionally asserts that the above-noted features recited in claim 1 are similar to features recited in claims 5 and 7. Accordingly, Applicant respectfully asserts that each of claims 1, 5 and 7 is allowable, at least for the reasons set forth above.

Applicant additionally traverses the rejection of claim 11. In particular, claim 11 recites an “analog output controller configured to generate analog contents data from the extracted digital audio data... wherein... when said reproduction device and said recording device are analog-c connected via said analog output controller, the analog contents data reproduced from said reproduction device includes only the second copy control information” (emphasis added). In this regard, the outstanding Final Official Action asserts that MATSUMOTO teaches “an analog output controller configured to generate analog contents data from the extracted digital audio data (See col. 5, lines 25-29; Fig. 3, block #26)”. However, col. 5, lines 25-29 discloses that the “digital copy control method... include

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at least one apparatus that is constructed to be able to output contents of digital data... as an analog signal, without passing through the interfaces". In other words, MATSUMOTO explicitly discloses that the method of outputting contents as an analog signal, is done without the remaining functionality of MATSUMOTO that the Examiner asserts discloses the remaining features recited in claim 11. Moreover, Applicant respectfully asserts that MATSUMOTO clearly discloses, in the final two entries of the Table at column 11, that the input data is "analog input", and not "digital audio data". Furthermore, the "output control unit 26" of MATSUMOTO is not disclosed to relate to an "analog output control portion", let alone an "analog output control portion configured to generate analog contents data from the extracted digital audio data", as is recited in claim 11. Accordingly, Applicant respectfully asserts that claim 11 is allowable, at least because the above-noted features are not disclosed or suggested by MATSUMOTO.

Applicant further traverses the rejection of claim 13. In this regard, the outstanding Final Official Action asserts that column 9, lines 7-26 discloses "the decrypted reproduction data being adapted for use in detecting the first copy control information and extracting the digital contents data therefrom, and the extracted digital contents data being adapted for use in detecting the second copy control information". However, column 9, lines 7-26 explicitly discloses demodulating with an ECC modulator 23 and decoding data after it passes through a CCI judging unit 28 and a Watermark judging unit 27. Accordingly, even if the

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DECODER 25 were also to decrypt reproduced data, which Applicant asserts is not disclosed, there is no disclosure that any output of the DECODER 25 is produced "for use in judging whether the reproduction output data is encrypted data".

Applicant additionally asserts that digital audio data is not extracted from an output of the decoder 25. In this regard, claim 13 recites "the decrypted reproduction data being adapted for use in... extracting the digital audio data therefrom". However, if the DECODER 25 performed the decryption, as appears to be asserted in the outstanding Final Official Action, then there is still no indication that the "digital audio data" is then later extracted from the "decrypted reproduction data", as would be required if MATSUMOTO disclosed or suggested the features of claim 13.

Additionally, Applicant asserts that MATSUMOTO does not disclose or suggest that any output of the DECODER 25 is "adapted for use in detecting the second copy control information", as is recited in claim 13. Rather, the CCI and Watermark are detected in FIG. 3 of MATSUMOTO, before the digital data is decoded (decrypted) by the DECODER 25 in FIG. 3.

Accordingly, for at least each of the numerous reasons set forth above, Applicant respectfully asserts that MATSUMOTO does not disclose or suggest the combination of features recited in the above-noted independent claims. Therefore, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections of claims 1,

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5, 7, 11 and 13, as well as indication of the their allowability. Applicant further asserts that each of claims 2-4, 6, 8-10, 12 and 14 are allowable, at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

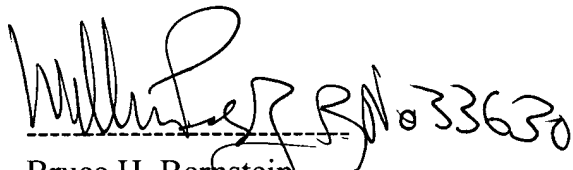
Accordingly, for each and all of the reasons noted above, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 3-5, 7-11 and 13 under 35 U.S.C. §102(e) and claims 2, 6, 12 and 14 under 35 U.S.C. §103(a) over MATSUMOTO. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections, as well as an indication of the allowability of each of the claims pending, in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. In particular, Applicant has discussed the features recited in Applicant's claims and has shown how these features are not taught, disclosed nor rendered obvious by the reference applied by the Examiner. Accordingly, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed number.

Respectfully submitted,
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